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February 13, 2024

TO: The Honorable Luke Clippinger
Chair, Judiciary Committee

FROM: Rhea L. Harris
Deputy Chief, Legislative Affairs, Office of the Attorney General

RE: HB87 – Criminal Law – Death Penalty - **OPPOSE**

The Office of the Attorney General **OPPOSES** House Bill 87- Criminal Law- Death Penalty.

HB87 provides that a person who is convicted of first-degree murder may be sentenced to death and establishes procedures for custody, warrant of execution, incompetency, method of execution, witnesses, certificate, disposition of body, notice, trial, sentencing, review, and appeal in relation to imposition of the death penalty.

HB87 requires that the person be put to death by lethal injection. Currently, the drugs used for lethal injection are no longer being produced especially the paralytic, and cannot be procured for putting a person to death. Therefore, if the death penalty was reinstated it could not be carried out.

Capital punishment was abolished by the General Assembly in 2013 (SB276/Chapter 156) after careful consideration from the Commission on Capital Punishment (created by Chapter 431 in 2008) and a magnitude of testimony from citizens of the State. HB87 would reinstate the death penalty 11 years after the General Assembly abolished without any show of need or cause.

For the foregoing reasons the Office of the Attorney General requests an **UNFAVORABLE** report on **House Bill 87**.

cc: Delegate Nino Mangione
Judiciary Committee Members